

recited act, an extension of one year for the purpose of completing their church, which is now commenced on the west half of Church Reserve, block sixty-six, in Iowa City.

SEC. 2. This act to be in force from and after its passage.

Approved, 7th January, 1843.

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## CHAPTER 7.

### ROAD.

AN ACT to locate a territorial road from Bennett's mill in Buchanan county, via the county seat of Delaware, to Olmstead's mill in said county.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa.*

SECTION 1. **Commissioners named and route of road—when and where to meet.** That Robert W. Green, Joel Bailey, and O. A. Olmstead, be, and they are hereby appointed commissioners to locate and mark a territorial road, commencing at Bennett's Mill, in Buchanan county, by the county seat of Delaware county, thence to intersect the road leading from Marion, in Linn county, to the city of Dubuque, at or near Olmstead's Mill, in Delaware county. Said commissioners, or a majority of them, shall meet at Bennett's Mill, in Buchanan county, on the first Monday of June next, or as soon thereafter as convenient, and proceed to locate and mark said road as above described.

SEC. 2. This act to take effect from and after its passage.

Approved, 12th January, 1843.

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## [8] CHAPTER 8.

### COUNTY.

AN ACT to relocate the county seat of Lee county.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

SECTION 1. **Names of commissioners—time and place of meeting.** That Thomas O. Wamsly, of Henry county, Isaac N. Selby, of Van Buren county, and Stephen Gearheart, of Des Moines county, are hereby appointed commissioners to relocate the seat of justice of Lee county, and it shall be their duty to meet at Franklin, in said county, on the second Monday in March next, and they, or a majority of them, shall proceed forthwith to select a suitable place for said seat of justice; and they shall not be restricted in said selection more than to do equal justice to all the inhabitants of the county as near as possible.

SEC. 2. **Oath of commissioners and form.** That the commissioners aforesaid shall each, before entering upon their duties as such commissioners, take and subscribe before some justice of the peace, or other person authorized to administer oaths, the following oath, viz.: I, A. B., do solemnly swear, or affirm, that I am not, either directly or indirectly, interested in the relocation or removal of the seat of justice of Lee county, and that I am not the owner of any real estate, of any kind, in said county and that I do not hold any equitable claim to any real estate in said county; and I do further swear, or affirm, that I

will perform the duties imposed upon me by the law by which I am appointed, and that I will honestly and faithfully, according to the best of my abilities, and in strict compliance with said law, discharge all the duties enjoined upon me by said law, without the slightest partiality towards any person or persons and without bias from fear, favor or recompense, or the hope of any gain or advantage to me in any respect whatever.

**SEC. 3. Proceedings to be committed to writing—to be recorded.** That said commissioners, or a majority of them, immediately after they have selected a suitable place for the seat of justice of said county of Lee, shall commit their proceedings to writing, describing the place they have selected, together with the quarter section or such part or parts of sections, township and range, and shall deliver the same with any donations of any kind, deed or deeds, for land which they may receive, to the clerk of the board of county commissioners of Lee county, whose duty it shall be to receive and record the same in the order book of the proceedings of said board, and to notify said board thereof immediately.

**SEC. 4. Commissioners not to be interested persons.** If it shall be shown at any time that either of said commissioners, named in the first section of this act, were interested in said relocation or received any gratuity or reward or any promise thereof, other than what is by this act allowed, such commissioners shall be liable to indictment for perjury and be liable to the penalty for said crime.

**SEC. 5. Place selected to be permanent seat of justice.** That the place so selected by said commissioners shall be and remain the seat of justice of Lee county.

**SEC. 6. Courts to be held at Fort Madison for certain time.** That the courts shall be held at Fort Madison until a sufficient house shall be furnished by the county, or some person or persons, to hold the courts in at the seat of justice, and so soon as such house shall be furnished it shall be the duty of the board of county commissioners of said county to give notice thereof by public advertisement, and from that time the courts shall be held at the seat of justice.

**SEC. 7. Duty of commissioners relative to a new court house at the new seat of justice.** It shall be the duty of the board of county commissioners of Lee county, to proceed to erect a court house and such other public building or buildings as they may deem necessary at the seat of justice, so as aforesaid selected.

**SEC. 8. Provision against the failure of commissioners to meet—seat of justice may be located at Fort Madison.** That if the said commissioners, by this act appointed to relocate the seat of justice of Lee county, shall fail or refuse to meet at the time and place named in the first section of this act, and perform the duties enjoined on them, it shall be lawful and it is hereby made their duty to meet at said place at any time within one month after said time as aforesaid appointed, that they or a majority of them may agree upon, and then and there perform the duties by this act enjoined; but [10] nothing in this act shall be so construed as to prevent the commissioners from locating the county seat at Fort Madison.

**SEC. 9. Sheriff to notify commissioners of their appointment, and to serve other notices—allowance for the same.** It shall be the duty of the sheriff of Lee county, to notify the commissioners by this act appointed, of their appointment, at least ten days before the time appointed for them to meet, and to serve such other notices as he may be directed to do by the board of county commissioners of Lee county, or their clerk, for which said board shall make him a reasonable allowance, to be paid out of the treasury of said county.

**SEC. 10. Per diem and mileage of commissioners.** The said commissioners shall receive three dollars per day for the time they shall be necessarily em-

ployed in the relocation of said seat of justice, and three dollars for every twenty-five miles travel, on the usually traveled route, in going to the place appointed for them to meet, and in returning home, to be paid out of the treasury of Lee county.

SEC. 11. This act to be in force from and after its passage.

Approved, 13th January, 1843.

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## CHAPTER 9.

### ROAD.

AN ACT to locate a certain territorial road therein named.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. Names of commissioners, and route of road—when and where to meet.** That Arthur Thomas, of the county of Dubuque, William Ward and Daniel Brown of Jackson county, be and they are hereby appointed commissioners to locate and mark a territorial road, commencing at Cascade in Du Buque county, and running thence the nearest and best route to or near the mouth of Tete Des Morts in Jackson county. Said commissioners or a majority of them, shall meet at Cascade on the third Monday of June next, or as soon thereafter as convenient, and proceed to locate and mark said road as above described: provided, that the petitioners for said road shall pay all expenses for locating and marking said road.

SEC. 2. This act to take effect from and after its passage.

Approved, 16th January, 1843.

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## [11] CHAPTER 10.

### ROAD.

AN ACT to relocate a part of the territorial road leading from Fort Madison, in Lee county to Fairfield in Jefferson county.

*Be it enacted by the Council and House of Representatives of the Territory of Iowa:*

**SECTION 1. Commissioners' names and route of road—when and where to meet.** That Ira Tillotson, Andrew Kennady and William Daugherty be and they are hereby appointed commissioners to relocate so much of the territorial road running from Fort Madison, in Lee county, to Fairfield, in Jefferson county, as lies between James Galliher's and David C. Brown's, in Jefferson county. Said commissioners, or a majority of them, shall meet at the house of David C. Brown on the third Saturday in March next, and proceed to relocate that part of said road above described.

SEC. 2. This act to take effect from and after its passage.

Approved, 16th January, 1843.